

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STEVEN GARCIA,
FABIOLA N. DIAZ,

Defendants.

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8:21CR157

ORDER

This matter is before the court on the defendant, Fabiola N. Diaz's unopposed Motion to Continue Trial [61]. Counsel needs additional time to explore plea negotiations and determine if this matter will proceed to trial. The co-defendant does not object to the continuance. For good cause shown,

IT IS ORDERED that the Motion to Continue Trial [61] is granted, as follows:

1. The jury trial, **for both defendants**, now set for January 3, 2023, is continued to **February 7, 2023**.
2. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendants in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and February 7, 2023**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(6), (7)(A) & (B)(iv).
3. **No further continuances will be granted without requesting a hearing before the undersigned magistrate judge.**

DATED: December 7, 2022.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge